

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THOMAS SIERRA,)	
)	
Plaintiff)	
)	Case No. 18-cv-3029
v.)	Hon. John Z. Lee
)	Magistrate M. David Weisman
REYNALDO GUEVARA, et. al.)	
)	
Defendants,)	
)	
)	

PARTIES' JOINT STATUS REPORT

Pursuant to this Honorable Court's September 19, 2019 Order (Dkt. 113), the Parties submit the following report outlining the outstanding discovery issues:

Depositions:

- Defendants have offered October 4 for the deposition of Defendant McMurray.
Defendants are working to schedule the depositions of the remaining Defendant Officers.
- On September 25, 2019 the parties attempted to contact witness Alberto Rodriguez, who remains in federal custody at FCI Forrest City Low, but the prison did not properly coordinate the phone call. The parties will schedule another time soon to speak with Mr. Rodriguez regarding whether he has obtained counsel to represent him.
- Defendants noticed the depositions of various family members but for scheduling reasons those depositions did not proceed. Defendants will provide Plaintiff with additional dates to get those depositions scheduled.
- Plaintiff has subpoenaed third-party witness Lucy Montalvo and is working to schedule a deposition date for her.

Document production:

- Plaintiff has requested the City to produce several documents of various individuals, including their arrest reports, criminal history reports, booking photos and “other related documents”. The City has produced much of what Plaintiff requested and will continue to produce any other requested documents upon receipt.
- Plaintiff requested to inspect the original police files related to the underlying homicide investigation. The City recently retrieved those files and the parties are working on scheduling a mutually agreeable date in mid-October.

Monell discovery:

- The parties have not reached agreement on the scope of *Monell* discovery in this case. For proving his *Monell* claims, Plaintiff requested Area 5 homicide files and Complaint Register files for the period from 1992-1998, for use in this case (1995), as well as *Gomez v. City of Chicago* (1997), *Reyes v. City of Chicago* (1998) and *Solache v. City of Chicago* (1998). The parties briefed their respective positions in *Reyes/Solache* (consolidated for purposes of discovery). As the Court is aware, on September 10, 2019 Judge Harjani issued his ruling on the dispute, ordering the production of all Area 5 homicide files and CR files from 1995-1998, The ruling was limited to the production of *Monell* discovery in *Reyes/Solache*, On September 24, 2019, the City filed its objection to the Magistrate Judge’s order requiring the City to produce hundreds of homicide investigative files in the matters of *Solache v. City of Chicago*, et al. (18 C 2312) and *Reyes v. Guevara*, et al. (18 C1028), a case that alleges essentially the same *Monell* claims as this case.

- Plaintiff seeks the same production of homicide files and CR files from 1992-1998 in this case, such that if Judge Harjani's ruling is affirmed the City would need to produce just three more years of records (1992-1994). However, Plaintiff's position is contingent on the City continuing to abide by the parties' agreements related to the scope of *Monell* discovery; that is, that it agrees to the production of Area 5 homicide files and CR files from 1992-1998 for use in this case, but seeks only to limit that production to (a) every fifth CR file and (b) only those homicide files with corresponding State's Attorney's Office files. During the course of briefing this narrow dispute to Judge Harjani, it appeared to Plaintiff that the City may have changed its position to no longer agree that any *Monell* discovery of homicide files and CR files is appropriate at all, and that the City may not agree to the use in this case of files produced in *Reyes/Solache* (e.g., the 1995-1998 files Judge Harjani ordered the City to produce). If this is indeed the City's position, then Plaintiff can no longer be limited by the parties' negotiations around a 1992-1998 timeframe for use in this case, and instead Plaintiff will seek all Area 5 homicide files and CR files for the period from 1989-1995.
- The City has never agreed to the wholesale production of either homicide files or CR files in each of the cases identified by Plaintiff in the preceding paragraph. As the parties informed this Court at a prior status, the parties believed that allowing Judge Harjani to rule on the dispute presented in *Solache/Reyes* would help inform the parties' position in the other cases. As noted above, the City has filed its objection to that ruling with respect to the production of homicide investigative files only. Accordingly, from the City's prospective, with respect to homicide files, the parties are no closer to agreement. It is not clear to the City what point Plaintiff is trying to make about CR files.

Dated: September 27, 2019

Respectfully Submitted,

/s/ Anand Swaminathan

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CERTIFICATE OF SERVICE

I, Anand Swaminathan, an attorney, certify that on September 27, 2019, I filed the foregoing JOINT STATUS REPORT using the Court's CM/ECF system, which effected service on all counsel of record.

/s/ Anand Swaminathan
One of Plaintiff's Attorneys